IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 19286 of 2004

Between:

J.Narasaiah S/o. Ramaiah
Cooperative Central Bank Limited,

R/o.1-9-2207, Sahakara Nagar,
Hunter Road, Hanmakonda, Warangal District.

..... PETITIONER

AND

1 The General Manager Warangal District Cooperative
Central Bank Limited, Subedari Hanumakonda,

Warangal District.
2 Persons-in-charge Committee/ Managing Committee
Warangal District Cooperative Central Bank Limited, Subedari

Hanumakonda, Warangal District represented by its Chairman
and District Collector, Warangal District, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or Direction more particularly one in the nature of Certiorari a) calling for records pertaining to the proceedings issued by the 1st respondent in Rc.No.B9/Estt/14/2001-2002, dated 4.10.2004 duly served on me on 11.10.2004, proposing to dismiss the petitioner from service on the resolution passed by the 2nd respondent; b) declare the same as illegal, arbitrary and unconstitutional apart from being violative of Principles of natural justice, out of Jurisdiction, and against the Judgment of the Co-operative Tribunal, Hyderabad in CTA No.199 of 2003 and 29.9.2004 and consequently

quash the same and c)pass such other order or orders as the Hon'ble Court deems fit, proper and appropriate in the circumstances of the case.

Counsel for the Petitioner: MR.NANDIGAM KRISHANA RAO

Counsel for the Respondents: MR.J.VENKATESWARA REDDY, P.Nageshwara Sree

The Court made the following :

ORDER:

Heard both sides. At their request, the main writ petition itself is taken up for disposal.

The main question that arises for consideration as to whether the appellate authority can proceed on its own by issuing show cause notice is no longer *res Integra*. In similar circumstances, a Division Bench of this Court in an unreported judgment in W.A.No.57 of 2005 dated 18-1-2005, held that such an action is totally in contravention of the byelaws of the society apart from the principles of natural justice.

Following the same, the writ petition is allowed. However, it shall be open for the respondents herein to take any further action, permissible under law. There shall be no order as to costs.

25th March,2005

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That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Friday, the twenty fifth day of March, Two thousand and five.

REGISTRAR

Copy to:

1 The General Manager Warangal District Cooperative
Central Bank Limited, Subedari Hamakonda,

Warangal District.

2 The Chairman and District Collector,

Persons-in-charge Committee/ Managing Committee
Warangal District Cooperative Central Bank Limited,

Subedari Hanumakonda, Warangal District,

Warangal District, Warangal.

3 Two CD copies.